

REMARKS

On September 15, 2005, Applicants submitted a response to the Final Office Action dated July 15, 2005. Shortly thereafter, Applicants received an Advisory Action, stating that the suggested amendments would require an additional search. Accordingly, Applicants file this RCE and reiterate the following remarks, which were first raised in their response of September 15th:

Claims 1-24 are pending in the instant application. Claims 1, 10, and 19 are independent claims, and claims 2-9, 11-18, and 20-24 depend, respectively, from independent claims 1, 10, and 19. Applicants request reconsideration of the claims in view of the following remarks.

The Office again rejected claims 1-24 under 35 U.S.C. § 102(b) as being anticipated by Mandler et al., US Patent 5,732,400 (Mandler). Applicants' previous responses have laid out in detail the differences between the Mandler clearinghouse and the present invention, including providing specific citations to the Mandler reference in support of their argument. The Office, however, cursorily dismissed Applicants' remarks as not convincing. The only argument raised by the Office was that Mandler "discloses product information . . . and identifying at least one of the plurality of products for which the buyer is at least likely to be approved to purchase using the at least one financing vehicle, e.g. risk classification." Applicants respectfully traverse this one-sentence rejection.

First, as previously argued by Applicants, the Mandler clearinghouse fails to include "product information regarding a plurality of products being offered for sale." The Mandler clearinghouse determines the appropriate credit limit and risk discount fee for a buyer and then accepts bids from sellers who are willing to deal with the buyer in light of its credit. As such, the financial clearinghouse deals only with the monetary aspects of the deal. The financial clearinghouse does not provide any information regarding the products for sale. The Office, however, is now arguing that this limitation is met by the "goods or services being offered by a broker." The Mandler reference clearly notes that brokers provide order processing services – they do not sell products. *See* '400 patent, col. 4, lns. 1-3. Thus, Applicants request that the Office withdraw its 102(b) rejection for this reason alone.

Moreover, even if the Office meant to cite to the goods sold by sellers, not brokers, such a change does not render the claimed invention anticipated. The Mandler reference also fails to disclose or suggest “a computer” that not only “review[s] the product information,” but also “responds to input of personal information about a buyer to cause the financing parameter information to be obtained, the financing parameter information and at least a portion of the personal information being used to identify at least one of the plurality of products for which the buyer is at least likely to be approved to purchase using the at least one financing vehicle.” At no point does the clearinghouse review the product information. The financial clearinghouse of Mandler initially determines a credit line for a buyer **irrespective of the goods being offered**. *See id.* at FIG. 3; *see also* col. 7, lns. 12-15. Moreover, because the clearinghouse does not sell any goods, but rather is simply a go-between for the buyer and seller, the clearinghouse cannot “identify at least one of the plurality of products for which the buyer is at least likely to be approved to purchase using the at least one financing vehicle,” as required by the claims. Accordingly, Applicants believe that the Office should withdraw its 102(b) rejection for this reason as well.

Regardless, Applicants have amended the claims to require “automatically identifying” those products for which the buyer will likely be approved, thereby further differentiating the present invention from the Mandler reference. According to Mandler’s system, the clearinghouse must first determine a preliminary credit line for a given buyer, based upon credit information obtained from the buyer. Once the initial credit limit is determined, the clearinghouse sends out requests for quotes to numerous sellers. (*See* col. 7, lns 35-37.) Once the clearinghouse gathers all of the quotes, the quotes are forwarded to the buyer, who in turn identifies the desired goods based upon the responsive quotes. (*Id.* at lns. 40-43.) The clearinghouse then performs a hard authorization, after which a purchase order is issued. (*Id.* at 44-47.) If the seller does not accept the purchase order, “the clearinghouse 40 allows for negotiations between the buyer 20 and seller 10,” which can include “human interaction.” (*Id.* at lns. 57-62.) Therefore, the clearinghouse must go through several tedious steps, some of which may require human intervention, before identifying the goods which the buyer may purchase. Thus, for this reason as well, Applicants believe that the present claims, as amended, are patentable over the Mandler reference.

In addition, the Office maintained its rejection of claims 1-24 under 35 U.S.C. § 103(a) as being obvious in view of Walker et al., US Patent 6,088,686 (Walker). As mentioned, the Walker reference, however, discloses a system and method for allowing a bank employee to check a client's creditworthiness on-line. As the Office Action conceded, the Walker reference does not disclose, or even suggest, a credit management system that utilizes a web server. Nor does the Walker reference disclose, or even suggest, an on-line affordability purchasing system that provides a buyer with a list of products that the buyer is likely to be approved to purchase. The Walker reference is limited to only determining a client's creditworthiness on-line. Much like the financial clearinghouse in the Mandler reference, the bank employee is in no way involved in identifying, selecting or providing information on the good(s) that the buyer will ultimately purchase. Thus, the Office's § 103 rejection should be withdrawn for this reason alone.

Moreover, the Walker reference fails to disclose "product information regarding a plurality of products being offered for sale." While the Applicants respectfully disagree with the Office that elements of claims 11(f) and 13(f) constitute "products," Applicants have amended their claims to be limited to products offered for sale "online," further distinguishing the present claims from the Walker reference. Because the Walker reference fails to disclose, or even suggest, at least these claimed limitations, Applicants also assert that the rejection under § 103(a) should likewise be withdrawn.

Based on at least the foregoing, the Applicants believe that claims 1-24 are in condition for allowance. Given the state of the prosecution, if the Examiner disagrees or has any question regarding this submission, the Applicants request that the Examiner telephone the undersigned at (312) 775-8000 prior to issuing any further action.

A Notice of Allowance is courteously solicited.

Respectfully submitted,

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